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ORDINANCE NO. 2015-17

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL PROPOSING AMENDMENTS TO SECTION 8 OF WELLINGTON'S MUNICIPAL CHARTER BY AMENDING SECTION 8, SUBSECTION G ENTITLED "VILLAGE CANVASSING BOARD" TO INCLUDE THE APPOINTMENT OF COMMUNITY MEMBERS TO THE CANVASSING BOARD WHEN NECESSARY TO AVOID SINGLE OR EVEN MEMBERSHIP; PROVIDING FOR THE SUBMISSION OF THE PROPOSED CHARTER AMENDMENT TO THE ELECTORS OF WELLINGTON AT THE ELECTION TO BE HELD ON MARCH 15, 2016; PROVIDING FOR FILING WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR PUBLICATION; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of the municipality a proposed amendment to the municipality's charter; and

WHEREAS, the charter currently provides that the Village canvassing board be composed of those members of the Village Council not running for reelection and the Village Clerk; and

WHEREAS, the proposed amendment permits the village council to appoint, by not less than four affirmative votes, a community member and an alternate to serve on the canvassing board when necessary to avoid single or even membership; and

WHEREAS, Wellington's Council deems it necessary and advisable for the voters of Wellington to consider amending the charter of the Village of Wellington to establish an independent panel to serve as the canvassing board; and

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA:

SECTION 1: Section 8, "Elections", Subsection G, "Village Canvassing Board" is hereby proposed to be amended to read as follows:

* * *

G. Village canvassing board. The village canvassing board shall be composed of those members of the village council who are not candidates for reelection and the village clerk, who shall act as chairperson. In any Village election in which the canvassing board is composed of an even number of persons, council shall, by not less

1 than four affirmative votes, appoint a member of the community and an alternate to
2 serve on the canvassing board in order to avoid single or even membership. The
3 appointment shall occur at least twelve months prior to the election. At the close of the
4 polls of any village election, or as soon thereafter as practicable, the canvassing board
5 shall meet at a time and place designated by the chairperson and shall proceed to
6 publicly canvass the vote as shown by the returns then on file in the office of the village
7 clerk, and then shall publicly canvass the absentee elector ballots. The canvassing
8 board shall prepare and sign a certificate containing the total number of votes cast for
9 each candidate or other measure voted upon. The certificate shall be placed on file with
10 the village clerk.

11
12 **SECTION 2.** The charter amendment proposed by this ordinance shall be
13 submitted to the electors of the Village of Wellington at the election to be held on March
14 15, 2016 and shall be deemed adopted upon the favorable vote of a majority of the
15 electors voting at that time upon the following question:

16
17 **REFERENDUM QUESTION NO. _____**

18
19 **WELLINGTON CHARTER AMENDMENT**

20
21 **VILLAGE CANVASSING BOARD**

22
23 **Shall Council appoint community members to the**
24 **canvassing board to avoid single or even membership?**

25
26 ☐ **Yes**

27
28 ☐ **No**

29
30 **SECTION 3.** In the event of adoption by the electorate as provided herein,
31 Wellington's Clerk shall forthwith incorporate the amendment into Wellington's charter
32 by preparing a true copy of section 8G as amended, and shall file the revised section
33 with the Florida Department of State, at which time the revised section shall take effect.

34
35 **SECTION 4.** Wellington's Clerk shall cause this ordinance to be published once
36 a week for four consecutive weeks immediately prior to the election on March 15, 2016.

37
38 **SECTION 5.** Should any section, paragraph, sentence, clause, or phrase of this
39 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
40 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of
41 this Ordinance shall prevail to the extent of such conflict.

42
43 **SECTION 6:** Should any section, paragraph, sentence, clause, or phrase of this
44 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
45 shall not affect the validity of this Ordinance as a whole as a whole or any portion or part
46 thereof, other than the part so declared to be invalid.

1 **SECTION 7:** This Ordinance shall become effective immediately upon adoption
2 of the Wellington Council following second reading.

3
4 **PASSED** this 10th day of November, 2015 upon first reading.
5

6
7 **PASSED AND ADOPTED** this 8th day of December, 2015, on second and final
8 reading.
9

10 **WELLINGTON**

	FOR	AGAINST
11 BY: _____	_____	_____
12 Bob Margolis, Mayor		
13		
14 _____	_____	_____
15 John Greene, Vice Mayor		
16		
17 _____	_____	_____
18 Matt Willhite, Councilman		
19		
20 _____	_____	_____
21 Anne Gerwig, Councilwoman		
22		
23 _____	_____	_____
24 John McGovern, Councilman		
25		

26
27 **ATTEST:**

28
29 BY: _____
30 Awilda Rodriguez, Clerk
31

32
33 **APPROVED AS TO FORM AND**
34 **LEGAL SUFFICIENCY**

35
36 BY: _____
37 Laurie S. Cohen, Village Attorney
38